

### REMARKS

This Application has been carefully reviewed in light of the Office Action mailed January 7, 2010. At the time of the Office Action, Claims 1-16 were pending in this Application, all of which were rejected. Claims 1, 3, 6, 11, and 14 are herein amended. Applicants respectfully request reconsideration and allowance of all Claims 1-16.

#### Rejections under 35 U.S.C. § 112

Claims 1-16 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for use of the phrase “can be.” Applicants have amended Claim 1, 3, and 14 to overcome these rejections.

#### Rejections under 35 U.S.C. §103

Claims 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,475,593 (“*Townend*”) in view of U.S. Patent No. 5,124,938 (“*Algrain*”).

Claims 2-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Townend* in view of *Algrain* and further in view of U.S. Patent No. 6,292,759 (“*Schiffmann*”).

Applicants respectfully traverse and submit that the proposed combinations, even if proper (which Applicants do not concede), do not render the amended claims obvious.

The Examiner uses *Townend* at the main reference, and in particular alleges that *Townend* teaches “an analysis entity which is combined with the measuring entity and is operable to determine a momentary movement position of the relative movement using the three linear accelerations and the at least two rotational speeds, and *without using input from wheel displacement sensors*.” (Office Action, page 3 (emphasis added)). However, *Townend* does in fact use **measurements of actuator displacement (X1, X2, X3, X4)** at each wheel as input for its analysis. For example, *Townend* teaches:

In a first preferred embodiment the first control device generates control signals using signals generated by **sensors measuring displacement** of and forces on the vehicle body in a first model of a spring and damper system and the second control device generates control signals using the signals generated by the sensors in a second model of a spring and damper system.

(col. 2, lines 48-54)

Each of the corner processors, 100, 200, 300 and 400 sends to the central processor 500 **signals indicative of actuator displacement (X1,X2,X3,X4)** and force measured by the load cell (F1,F2,F3,F4), as can be seen in FIG. 2. The central processor 500 returns to each of the corner processors three demand signals;

*(col. 4, lines 43-48)*

The central processor resolves the signals it receives into modal calculations. **The central processor 500 considers the forces acting on the vehicle and the resulting displacements** of the vehicle as comprising four different types, **heave**, pitch, roll and warp. Displacements arising from modal forces are shown in FIGS. 3a,3b, 3c and 3d.

FIG. 3a shows **heave displacement, which is displacement directly upwardly and downwardly of the vehicle body**. The processor considers a downward heave displacement to be a positive heave.

*(col. 4, lines 58-67)*

**X1,X2,X3X4 = measured actuator displacements.**

*(col. 6, line 4)*

Applicants believe these sensors/actuators are examples of “wheel displacement sensors” that are restricted from Applicants’ claimed invention. However, the Examiner apparently believes that the recited “wheel displacement sensors” do not include such sensors/actuators. Thus, in order to advance prosecution, Applicant has amended the independent claims to recite “*without using input from any height-level or linear displacement sensors.*” *Townend*’s displacement-measuring sensors/actuators discussed above are clearly “*linear displacement sensors.*” Thus, *Townend*’s analysis is clearly not performed “without using input from any height-level or linear displacement sensors,” and in fact *Townend* teaches away from this key feature of Applicants’ claims. Accordingly, the Examiner cannot provide a prima facie case of obviousness based on *Townend*, even if somehow combined with the other cited references.

For at least the reasons presented above, Applicants respectfully request reconsideration and allowance of amended independent Claims 1, 6, and 11, as well as all dependent claims.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457.2030.

Respectfully submitted,  
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